

January 10, 2020

Via ECF

Honorable Lorna G. Schofield
U.S. District Court
Southern District of New York
Thurgood Marshall Courthouse
40 Foley Square
New York, NY 10007

Re: *In re Foreign Exchange Benchmark Rates Antitrust Litigation*
Case No. 1:13-cv-07789-LGS

Dear Judge Schofield:

Pursuant to the Fourth Amended Civil Case Management Plan and Scheduling Order entered in this action (“Scheduling Order”) (ECF No. 1374), Plaintiffs and Credit Suisse Securities (USA) LLC, Credit Suisse Group AG, and Credit Suisse AG (“Credit Suisse”) submit this joint status letter.

I. Pending Motions

There are no motions currently pending.

II. Discovery

A. Depositions

On December 2, 2019, the Department of Justice (“DOJ”) filed a letter with the Court in the related *Nypl v. JPMorgan Chase & Co.* (Case No. 15-cv-9300, ECF No. 475) apprising the Court of its position that the deposition stay remain in place for a few select witnesses related to the criminal trials, *U.S. v. Aiyer* (18-cr-333) and *U.S. v. Johnson* (18-cr-1503). The DOJ requested that the stay remain for witnesses Frank Cahill and Serge Sarrapegna until the Second Circuit rules on Defendant Johnson’s petition for rehearing *en banc*. The DOJ further requests that the stay remain in place with respect to Jason Katz, Christopher Cummins, and Nicholas Williams until Aiyer, Katz, and Cummins are sentenced. On December 4, 2019, the Court lifted the testamentary discovery stay for all other witnesses and ordered the DOJ to file a status letter on January 10, 2020 and every 45 days thereafter to apprise the Court of the ongoing need for the stay as to these witnesses, if any. The DOJ does not object to Plaintiffs’ request to prepare and file letters of request for depositions of these witnesses in the meantime, with the understanding that the deposition will not take place until the stay is lifted.

Depositions of fact witnesses not affected by the DOJ stay are ongoing, with depositions planned or taking place in the United States and abroad. On December 23, 2019, Plaintiffs served Rule 30(b)(6) deposition notices on Bank of America, Barclays, BNP Paribas, Citibank, Credit Suisse, Deutsche Bank, Goldman Sachs, HSBC, JPMorgan Chase, RBS, and UBS. To date, Credit Suisse has taken 27 depositions of the Plaintiffs and/or their investment advisors. Plaintiffs have taken 36 fact depositions and in 2017, Plaintiffs took Rule 30(b)(6) depositions of certain defendants, including Credit Suisse. Of the 36 fact depositions taken by Plaintiffs, 14 witnesses invoked the Fifth Amendment protection against self-incrimination.

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B. Credit Suisse

Audio: Credit Suisse began its rolling production of audio files on July 31, 2019. Following this initial production, on August 20, 2019, Plaintiffs raised an issue with Credit Suisse regarding the metadata that accompanied the production, as it materially differed from metadata that accompanied previously produced audio samples. On October 4, 2019, Credit Suisse confirmed that certain metadata fields are not available after restoration. Plaintiffs are processing Credit Suisse's most recent production and evaluating their options with respect to obtaining additional metadata. Credit Suisse completed its audio production on December 20, 2019.

III. Next Joint Status Letter

The parties will submit their next joint status letter on Friday, March 13, 2020.

Respectfully submitted,

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